



THE CITY OF NEW YORK
LAW DEPARTMENT
100 Church Street
NEW YORK, NY 10007

JAMES E. JOHNSON
Corporation Counsel

TRISTAN G. MONTAQUE
Assistant Corporation Counsel
(212) 356-3504
tmontaqu@law.nyc.gov

March 3, 2020

BY ECF

Honorable Steven Tiscione
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Sabrina Novick v. The City of New York, et al., 19-CV-06795 (PKC)(ST)

Your Honor:

On behalf of defendant, The City of New York, I write to respectfully request (1) that plaintiff be compelled to return a signed and notarized N.Y. C.P.L. § 160.50 release, and (2) that defendant City be given thirty (30) days from the receipt of said release to respond to plaintiff's Complaint. In an effort to obtain the release, this Office sent the appropriate blank unsealing release to Plaintiff's counsel via email for Plaintiff's execution on January 28, February 22, and February 27, 2020. On January 28, 2020, this Office also served Plaintiff's counsel with a letter requesting a signed 160.50 release by both hand mail and email. I have also conferred with plaintiff's counsel via email regarding same, yet our Office still awaits receipt of the executed release.

By way of background, in this action, Plaintiff alleges civil rights claims under 42 U.S.C. §1983 arising out of a September 12, 2018 incident with the New York Police Department in Brooklyn. Plaintiff is alleging federal and state law claims for unlawful seizure, false arrest and imprisonment, assault and battery, intentional and negligent infliction of emotional distress, negligence and failure to intervene. The City was served with the Complaint on January 10, 2020 and your Honor granted the City a sixty (60) day enlargement to March 31, 2020 to answer or otherwise respond to the Complaint.

Apparently, plaintiff was given a pre-arraignment release and no charges were filed. As such, any records relating to her arrest are sealed. For the foregoing reasons, I respectfully request that this Court compel plaintiff to provide a signed 160.50 release, that the City's time to answer or otherwise respond to the Complaint be extended to thirty (30) days after receipt of said release, and that the Court *sua sponte* grant the individually named defendant, Detective Mcainjohn, a similar extension.

Thank you for your consideration herein.

Respectfully submitted,



Tristan G. Montaque

cc: Harold C. Baker (By ECF)